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EXAMINER

HUYNH, SON P

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/966,566

Applicant(s)

MCKENNA, THOMAS P.

Examiner

Son P. Huynh

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) 17-36 and 53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 37-52, 54 and 55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/13/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/08/2006 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-16, 37-52 and 54-55 have been considered but are moot in view of the new ground(s) of rejection.

Claims 17-36 and 53 have been withdrawn.

Claim Objections

3. Claims 38, 40-51 are objected to because of the following informalities:

Claims 38, 40-42, 45-48, 50-51 recite the limitation "the system of claim 36" in line 1 should be replaced as – **the system of claim 37** – (claim 36 has been withdrawn). Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-13, 16, 37-49, and 52 are rejected under 35 U.S.C. 102(e) as being anticipated by Bruck et al. (US 7,143,428 B1) – hereinafter referred to as Bruck.

Regarding claim 1, Bruck discloses a method for providing supplemental information (e.g. chat, logo, title, information from web site, etc.) related to a television program (– see include, but is not limited to, figures 5-9, 2), the method comprising:

storing a PIO within a memory of an entertainment system (e.g. storing web page which may be employed as a user interface in memory – see include, but is not limited to, col. 9, lines 32-57), the PIO comprising a single data structure within the memory that encapsulates attribute data for one or more attributes providing information about a

Art Unit: 2623

single television program and program code for one or more user-selectable actions executable by the entertainment system in connection with the same television program, at least one attribute comprising a link to supplemental information related to the television program (interpreted as the formatted web page employed as a user interface template within the memory, the formatted web page comprises attributes data such as program title, time, rated, web site, etc. providing information about a single television program (e.g. Dr. Katz, Professional Therapist) and program code (e.g. HTML code) for user selectable actions executable by the system in connection with the same program for setting record, reminder, etc., and link to supplemental information related to the television program such as chat room, web site, etc. see include, but is not limited to, figure 12, col. 5, lines 30-38, col. 9, lines 32-67);

retrieving the supplemental information referenced by the link (e.g., retrieving additional information of the program, information from website, or information from chat room, etc. in response to user selection of the link – see include, but is not limited to, figures 5-12, col. 6, lines 42-65, col. 7, line 19-col. 8, line 60);

displaying the supplemental information on a display device associated with the entertainment system (e.g. displaying additional information of the program, information from the web site, or chat room information, etc. on television 14 associated with the entertainment system – see include, but is not limited to, figures 1, 3, 6-12, col. 7, lines 44-67, col. 8, lines 44-60, col. 9, lines 45-57).

Art Unit: 2623

Regarding claim 2, Bruck teaches a method as discussed in the rejection of claim 1.

Bruck further discloses in response to user selection of a link for supplemental information such as access web site, access chat room, etc., information from the web site, chat content, etc. are provided to the user – see including, but is not limited to, figures 4, 6-12, col. 7, lines 26-67). Inherently, a communication is established with a supplemental information server (i.e. remote server, host server, or chat server– figures 4, 6, 9-12), supplemental information referenced by the link is requested from the supplemental information server and received by the entertainment system so that the content from web page, or content from chat room is displayed on the screen – see include, but is not limited to, figures 6,9-12, col. 7, lines 44-67).

Regarding claim 3, Bruck teaches a method as discussed in the rejection of claim 2.

Bruck further discloses the supplemental information server comprises an Internet server (see include, but is not limited to, figure 4, col. 6, lines 8-65).

Regarding claim 4, Bruck teaches a method as discussed in the rejection of claim 1.

Bruck further discloses the link comprises the URL (see include, but is not limited to, col. 6, line 66-col. 7, line 5).

Regarding claim 5, Bruck teaches a method as discussed in the rejection of claim 1.

Bruck further discloses the link comprises a file name (e.g. data file, web page, or chat room, etc. see include, but is not limited to, col. 6, line 42-col. 7, line 16, figure 12).

Regarding claim 6, Bruck teaches a method as discussed in the rejection of claim 1.

Bruck further discloses the PIO comprises a visual indicator (i.e. icons, program title, or logo – figures 6-12), the method further comprising:

displaying the visual indicator in a graphical user interface (i.e. displaying interactive icons, logo, etc. in interactive user interface – see figures, 6-12).

Bruck further discloses the in response to user selection of icon on the interactive user interface (i.e. selection of record icon, link to a web site, or a chat room, etc., the associated action (recording, activates link to web site, chat room, etc.) is performed (figures 6-14, col. 7, lines 10-67, col. 8, lines 44-60). Thus, the user selection of the visual indicator is inherently detected so that the associated action is performed.

Regarding claim 7, Bruck teaches a method as discussed in the rejection of claim 6.

Bruck further discloses the visual indicator comprises a graphical icon (e.g. interactive icon of chat room, web site, or logo, etc. – figures 6-12).

Regarding claim 8, Bruck teaches a method as discussed in the rejection of claim 6.

Bruck further discloses the PIO further comprises a first action configured to display the supplemental information referenced by the link (e.g., action to access web site, or to access chat room, to record a particular program, etc. referenced by the link– see include, but is not limited to, figures 5-12, col. 7, line 17-col. 8, line 60), the method further comprising:

displaying a list of the plurality of user selectable actions associated with the PIO (displaying a list of user selectable actions associated with the formatted web page/user interface such as interactive web site icon, interactive record icon, or chat icon, etc. to cause link to associated web site, action to access chat room, or action to record a program – figures 5-12, col. 7, line 10-col. 8, line 60).

Bruck further discloses the in response to user selection of icon on the interactive user interface (i.e. selection of record icon, link to a web site, or a chat room, etc., the associated action (recording, activates link to web site, chat room, etc.) is performed (figures 6-14, col. 7, lines 10-67, col. 8, lines 44-60). Thus, it is inherent that the user selection of the first action is detected so that the associated action is performed.

Regarding claim 9, Bruck teaches a method as discussed in the rejection of claim 1. Bruck further discloses automatically displaying the supplemental information in response to the television program being presented by the entertainment system (e.g., automatically discloses information of chat room, program title, logo, or web site, etc. associated with the selected television – see include, but is not limited to, figures 5-12, col. 7, line 10-col. 8, line 60, col. 9, line 22-col. 10, line 3, col. 10, lines 41-45).

Regarding claim 10, Bruck teaches a method as discussed in the rejection of claim 1. Bruck further discloses automatically display the supplemental information television program prior to television program being presented by the entertainment system (e.g., a reminder automatically appears prior to the start of the show, or automatically change

Art Unit: 2623

the link to the chat room for the next show playing on that network – see include, but is not limited to, col. 8, 18-21, lines 56-60; col. 10, lines 59-67).

Regarding claim 11, Bruck teaches a method as discussed in the rejection of claim 1.

Bruck further discloses the displaying comprises:

launching a browser configured to display the supplemental information (launching a browser configured to display web page, or chat room, etc. – see include, but is not limited to, col. 3, lines 61-56, col. 6, lines 8-20, lines 42-50, col. 6, line 66-col. 7, line 58, col. 9, lines 32-67); and

displaying the supplemental information within the browser (e.g. displaying chat information, or web page content, etc. within the formatted web page/user interface, see figures 6-13).

Regarding claim 12, Bruck teaches a method as discussed in the rejection of claim 1.

Bruck further discloses the PIO comprises a set of link attributes, each link attribute comprising a different link to a set of supplemental information (the formatted web page/user interface comprises a set of link attributes such as link to web site, link to chat room, etc., each link attribute comprises a different link such as link to associated chat room, or link to associated web site, etc. – see include, but is not limited to, figure 12).

Art Unit: 2623

Regarding claim 13, Bruck teaches a method as discussed in the rejection of claim 12. Bruck further discloses displaying a list of link attribute associated with the PIO (e.g. display link attribute such as chat link, or web site link, etc. associated with the formatted web page/user interface, see include, but is not limited to, figure 12); and receiving a user selection of a particular link attribute from the list of link attribute (i.e. receiving user selection of link to chat room, link to web site, etc. – see include, but is not limited to, figure 12).

Regarding claim 16, Bruck teaches a method as discussed in the rejection of claim 1. Bruck further discloses the entertainment system is selected from the group consisting of a personal computer, an interactive television (ITV) system (see include, but is not limited to, col. 3, lines 34-55, col. 4, lines 55-67, col. 6, lines 8-20).

Regarding claims 37-49, the limitations of the system as claimed correspond to the limitations of the method as claimed in claims 1-13, and are analyzed as discussed with respect to the rejection of claims 1-13.

Regarding claim 52, the limitations as claimed correspond to the limitations of claim 37, and are analyzed as discussed with respect to the rejection of claim 37.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 14-15, 50-51, 54-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruck as applied to claim 13, 1, 47, or 37 above.

Regarding claims 14-15, Bruck teaches a method as discussed in the rejection of claim 1. Bruck further discloses the supplemental information comprises web page downloadable and viewable by a browsing device, and often contains hyperlinks, which, if selected, cause the browsing device to point to, or download and display, a new web page (col. 6, lines 43-50). However, Bruck does not specifically disclose the supplemental information comprises an XML document or the PIO is selected from the group consisting of DCOM object, Javabean object, and XML object. Official Notice is taken that using XML document is well known in the art. For example, using XML document/code for web page. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bruck to use XML document in order to at least, provide an alternative document to access Internet data or update the content of the web page easier.

Regarding claim 54, Bruck teaches a method as discussed in the rejection of claim 1. Bruck further discloses data files containing web pages typically are transmitted using the HTTP, and encoded using the HTML (see col. 7, lines 10-25); and the web pages are downloadable and viewable by a browsing device (col. 6, lines 42-65). It is obvious to one of ordinary skill in the art that the program code (i.e. code of program in HTML format of downloadable web page) is in a machine independent format that is executable in a virtual machine within the entertainment device and any destination device to which the PIO (HTML formatted web page/user interface – col. 9, lines 35-43) is sent, such that the program code (in HTML code) does not need to be installed on the destination device prior to receiving the PIO (formatted HTML web page/user interface) in order to perform an associated user selected action in order to improve convenience for user to access the formatted web page/user interface to perform an associated action using any destination device.

Regarding claims 50-51 and 55, the limitations of the system as claimed correspond to the limitations of the method as claimed in claims 14-15, 54, and are analyzed as discussed with respect to the rejection of claims 14-15, and 54.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Herrington et al. (US 6,865,746 B1) discloses electronic program guide with related program search feature.

Hendricks et al. (US 7,134,131 B1) discloses digital broadcast program billing.

Schaefer et al. (US 2002/0124252 A1) discloses method and system to provide information alerts via an interactive video casting system.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Son P. Huynh

February 20, 2007


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